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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

MAY - 7 2004

DOCKETED BY

DOCKET NO. T-02532A-03-0017

IN THE MATTER OF THE APPLICATION OF
MIDVALE TELEPHONE EXCHANGE, INC. FOR
AUTHORIZATION TO PROVIDE FACILITIES-
BASED BASIC LOCAL EXCHANGE SERVICE
AND TOLL ACCESS TELEPHONE SERVICE TO
CURRENTLY UNSERVED RESIDENTIAL
DEVELOPMENTS KNOWN AS CROSSROADS
RANCH, POQUITO VALLEY AND BREEZY
PINE.

PROCEDURAL ORDER

BY THE COMMISSION:

On January 10, 2003, Midvale Telephone Exchange, Inc. ("Applicant" or "Midvale") submitted to the Arizona Corporation Commission ("Commission") an application requesting authority to expand its Millsite Exchange by amending its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide local telephone service in Yavapai County, Arizona.

On April 15, 2003, Midvale amended its application to include a request to provide Extended Area Service ("EAS") between Midvale's Millsite Exchange and Qwest Corporation's ("Qwest") Prescott Local Calling Area.

In Decision No. 66510 (November 10, 2003), the Commission approved Midvale's application to extend its Certificate to provide local telephone service in Yavapai County, Arizona. However, the Commission found that the record was insufficient to approve two-way EAS between Midvale and Qwest. In Decision No. 66510, the Commission ordered that the issue of two-way EAS be sent back to hearing in order to supplement the record so the Commission could make a decision regarding Midvale's application to provide two-way EAS.

On March 9, 2004, the Commission's Utilities Division ("Staff") filed a Staff Report regarding Midvale's application for two-way EAS. Staff indicated that Midvale and Qwest had provided the information necessary for Staff to complete its analysis and it recommended that

1 Midvale's application to provide two-way EAS between its Millsite Exchange and Qwest's Prescott
2 Local Calling Area should be approved, subject to some conditions.

3 Accordingly, based upon the directives in Decision No. 66510, this matter should be set for
4 hearing. At the hearing, Midvale should be prepared to address its plans for implementation of EAS
5 and how and when it intends to reflect the costs in its rates.

6 Midvale should also provide evidence explaining the results of the poll it sent to its Millsite
7 customers and potential customers. Specifically, Midvale states that approximately 79% of the
8 customers who returned its poll are "in favor" of EAS. The Commission has received numerous
9 responses from customers and potential customers in the Millsite Exchange that state they are "in
10 favor" of EAS, but they do not want to pay any surcharge. Regarding the poll, Midvale should be
11 prepared to explain how it defines whether or not a customer or potential customer is considered "in
12 favor" of EAS. Essentially, does Midvale's calculation of people "in favor" of EAS include people
13 who want EAS, but do not want to pay a surcharge or does the "in favor" calculation only include
14 people who want EAS and are willing to pay a surcharge?

15 IT IS THEREFORE ORDERED that this matter shall be set for hearing on **June 14, 2004 at**
16 **10:00 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

17 IT IS FURTHER ORDERED that Applicant shall publish notice of its filing, as set forth
18 below, in a newspaper(s) of general circulation in every county in Arizona in which Applicant desires
19 to provide services by **May 21, 2004**, and shall file Affidavits of Publication with the Commission no
20 later than **June 7, 2004**.

21
22 **NOTICE OF APPLICATION TO PROVIDE EXTENDED AREA SERVICE**
23 **BY MIDVALE TELEPHONE EXCHANGE, INC.**

Docket No. T-02532A-03-0017

24 Midvale Telephone Exchange, Inc. ("Applicant") has filed with the Arizona
25 Corporation Commission ("Commission") an application to provide Extended Area
Service in Yavapai County, Arizona.

26 The application, report of the Commission's Utilities Division Staff, and any
27 written exceptions to the staff report prepared by the applicant are available for
28 inspection during regular business hours at the offices of the Commission located at
1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

Under appropriate circumstances, interested parties may intervene in this proceeding and participate as a party. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **June 7, 2004**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of record. The motion to intervene must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the company, a shareholder of the company, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

A.A.C. R14-3-105 governs the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement. The hearing is scheduled to commence on **June 14, 2004 at 10:00 a.m.** at the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007. Please check with the Commission for any changes to the scheduled hearing date.

If you have any written comments or want to intervene in this matter, mail an original and 13 copies to:

The Arizona Corporation Commission
Attention Docket Control
re: Midvale Telephone Exchange, Inc.
T-02532A-03-0017
1200 West Washington Street
Phoenix, Arizona 85007

If you have any questions about this application, or want further information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, voice phone number 602/542-3931, E-Mail YMcFarlin@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the Ex Parte Rule is still in effect.

2 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
3 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

4 DATED this 7 day of May, 2004.

5
6 
7 PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

8
9 Copies of the foregoing mailed/delivered
this 7 day of May, 2004 to:

10 Lane R. Williams
11 Midvale Telephone Exchange, Inc.
12 P.O. Box 7
Midvale, ID 83645

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Legal Division
ARIZONA CORPORATION COMMISSION
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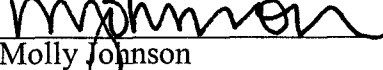
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By: 
Molly Johnson
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